

§ 1313.7

no substantive changes in the State's plan or program that would affect compliance with Section 410 or a copy of any changes to the State's plan or program.

[57 FR 29011, June 30, 1992, as amended at 58 FR 21655, 21657, Apr. 23, 1993; 59 FR 40474, Aug. 9, 1994; 61 FR 9104, Mar. 7, 1996; 61 FR 55222, Oct. 25, 1996]

§ 1313.7 Award procedures.

In each Federal fiscal year, grants will be made to eligible States upon submission and approval of the application and drunk driving prevention plan required by § 1313.4(a) and subject to the limitations in § 1313.4(b). The release of the full grant amounts shall be subject to the availability of funding for that fiscal year. If there are expected to be insufficient funds to award full grant amounts to all eligible States in any fiscal year, NHTSA may release less than the full grant amounts upon initial approval of the State's application and plan and the remainder of the full grant amounts, up to the State's proportionate share of available funds, before the end of that fiscal year. Project approval, and the contractual obligation of the Federal government to provide grant funds, shall be limited to the amount of funds released.

[58 FR 21657, Apr. 23, 1993]

§ 1313.8 States eligible under 410 prior to September 30, 1992.

(a) A State which, before December 18, 1991, was eligible to receive a grant under 23 U.S.C. 410, and its implementing regulation, as in effect on December 17, 1991, may elect to receive in a fiscal year grants under such section 410, and implementing regulation, as so in effect, in lieu of receiving in such fiscal year grants under section 410, as amended, and this regulation, except that such States shall be subject to § 1313.7 of this regulation.

(b) A State that received a basic grant, under section 410, after December 18, 1991 and on or before September 30, 1992, and that continues to meet the criteria for a basic grant, as in effect on September 30, 1992, shall be eligible

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for a basic grant under section 410, as amended on October 6, 1992.

[58 FR 21657, Apr. 23, 1993]

PART 1325—TRANSITION PROCEDURES FROM CURRENT TO NEW NATIONAL DRIVER REGISTER

Sec.

1325.1 Scope.

1325.2 Purpose.

1325.3 Definitions.

1325.4 General transition procedures.

AUTHORITY: Pub. L. 97-364, 96 Stat. 1740, as amended (23 U.S.C. 401 note).

§ 1325.1 Scope.

This rule provides procedures, in accordance with section 203(c)(1) of the National Driver Register Act of 1982 (Pub. L. 97-364), for the orderly transition from the system regarding the motor vehicle driving records of individuals as provided in Pub. L. 86-660 as amended (current NDR), to the system established in Pub. L. 97-364 (new NDR).

[50 FR 28196, July 11, 1985]

§ 1325.2 Purpose.

The purpose of this rule is to provide States with information concerning the procedures which the National Highway Traffic Safety Administration plans to follow to implement the new National Driver Register. This will ensure that participating States understand their rights and obligations during the transitional period which will commence on the effective date of this rule and will terminate upon the establishment of a fully electronic Register system, but not later than April 30, 1995.

[50 FR 28196, July 11, 1985, as amended at 56 FR 41403, Aug. 20, 1991]

§ 1325.3 Definitions.

(a) *Problem Driver Pointer System (PDPS)*. System whereby the NDR serves as a conduit for retrieving information from the State which took adverse action against a driver (State of Record) and relaying that information, without interception, to the State requesting the information (State of Inquiry).

(b) *Pointer Record.* A report containing the following data:

(1) The legal name, date of birth (including day, month, and year), sex, (and if the State collects such data) height, weight, and color of eyes;

(2) The name of the State transmitting such information; and

(3) The social security account number, if used by the reporting State for driver record or motor vehicle license purposes, and the motor vehicle operator's license number of such individual (if that number is different from the operator's social security account number).

(c) *PDPS State.* A State which participates in the pilot test program or, upon completion of the pilot test program, in the PDPS, by submitting pointer records for inclusion in the NDR file and by providing information to States of Inquiry as a State of Record.

(d) *Non-PDPS State.* A State which operates under the current NDP by submitting complete substantive adverse driver licensing data to the NDR.

(e) *Match.* When the personal identifying information in an inquiry compares with the personal identifying information on a record in the NDR file such that there is a high probability that the individual identified on both records is the same person.

(f) *Fully Electronic Register System—*NDR system in which all States that are participating in the NDR have been certified by the agency as participating States.

(g) *Participating State—*A State that has notified the agency of its intention to participate in the PDPS and has been certified by the agency as being in compliance with the requirements of the NDR Act of 1982 and § 1327.5 of this part.

[50 FR 28196, July 11, 1985, as amended at 56 FR 41403, Aug. 20, 1991]

§ 1325.4 General transition procedures.

(a) *Data to be Transmitted to NDR by PDPS States.* The chief driver licensing official in each PDPS State shall transmit to the NDR a pointer record regarding any individual against whom adverse action, as described in section 205 of Public Law 97-364, has been taken.

(b) *Data to be Transmitted to NDR by Non-PDPS States.* The chief driver licensing official in each non-PDPS State shall transmit to the NDR the full substantive adverse action data on any individual against whom adverse action, as described in Public Law 86-660 as amended, has been taken.

(c) *Data to be Received by PDPS States.*

(1) When a match occurs with a pointer record on file from a PDPS State, the PDPS State of Inquiry will receive the pointer record response from the NDR and driver status information from the State of Record.

(2) When a match occurs with a record on file from a non-PDPS State, the PDPS State of Inquiry will receive the full substantive record from the NDR.

(3) When no match occurs, the PDPS State of Inquiry will receive from the NDR a response that no match was found to each inquiry that is either transmitted interactively or on behalf of a party other than the State, and no response to other inquiries.

(d) *Data to be Received by Non-PDPS States.* (1) When a match occurs with a record on file from a non-PDPS State, the non-PDPS State of Inquiry will receive the full substantive record from the NDR.

(2) When a match occurs with a record on file from a PDPS State, the non-PDPS State of Inquiry will receive the pointer record response from the NDR.

(3) When no match occurs, the non-PDPS State of Inquiry will receive from the NDR a response that no match was found to each inquiry that is either transmitted interactively or on behalf of a party other than the State, and no response to other inquiries.

(e) *Accessibility of NDR Information.* (1) All requests for information from the NDR must be made by State chief driver licensing officials or Federal departments or agencies in connection with the issuance of licenses or permits to operate federally owned vehicles.

(2) All requests for information made by State chief driver licensing officials must pertain to driver licensing, be made on behalf of the Chairman of the National Transportation Safety Board or the Administrator of the Federal

Highway Administration for purposes of requesting information regarding an individual who is the subject of an accident investigation conducted by the NTSB or Bureau of Motor Carrier Safety, or be made by a PDPS State. Requests from PDPS States may also be for the purposes of State driver improvement or transportation safety, as those terms are defined in 23 CFR 1327.3.

[50 FR 28196, July 11, 1985, as amended at 56 FR 41403, Aug. 20, 1991]

PART 1327—PROCEDURES FOR PARTICIPATING IN AND RECEIVING INFORMATION FROM THE NATIONAL DRIVER REGISTER PROBLEM DRIVER POINTER SYSTEM

Sec.

1327.1 Scope.

1327.2 Purpose.

1327.3 Definitions.

1327.4 Notification procedures.

1327.5 Conditions for becoming a participating State.

1327.6 Conditions and procedures for other authorized users of the NDR.

APPENDIX A TO PART 1327—ABRIDGED LISTING OF THE AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS VIOLATIONS EXCHANGE CODE, USED BY THE NDR FOR RECORDING DRIVER LICENSE DENIALS AND WITHDRAWALS

APPENDIX B TO PART 1327—OMB CLEARANCE

AUTHORITY: Pub.L. 97-364, 96 Stat. 1740, as amended (49 U.S.C. 30301 *et seq.*); delegation of authority at 49 CFR 1.50.

SOURCE: 56 FR 41403, Aug. 20, 1991, unless otherwise noted.

§ 1327.1 Scope.

This part provides procedures for States to participate in the National Driver Register (NDR) Problem Driver Pointer System (PDPS) and for other authorized parties to receive information from the NDR. It includes, in accordance with section 204(c) of the NDR Act of 1982 (Pub. L. 97-364), procedures for a State to notify the Secretary of Transportation of its intention to be bound by the requirements of section 205 of the Act (i.e. requirements for reporting by chief driver licensing officials) and for a State to notify the Secretary in the event it becomes nec-

essary to withdraw from participation. The rule also contains the conditions for becoming a participating State as well as conditions and procedures for other authorized users of the NDR.

§ 1327.2 Purpose.

The purpose of this part is to implement the NDR Act of 1982, as amended.

§ 1327.3 Definitions.

(a) *Any officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve* includes a cadet or an applicant for appointment or enlistment of any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard.

(b) *Driver History Record* means a detailed description of an individual's driver record, used in the American Association of Motor Vehicle Administrators' Commercial Driver's License Information System (CDLIS).

(c) *Driver Improvement Purposes* means information requests made by chief driver licensing officials in connection with the control and rehabilitation of drivers who are, based on their records, suspected of being or known to be problem drivers.

(d) *Driver License Abstract* means the complete driver history of a driver's convictions, revocations, suspensions, denials, cancellations, accidents and interactions with the driver control and driver improvement authorities. Also known as Motor Vehicle Record (MVR) or Transcript.

(e) *Driver Licensing Purposes* means information requests made by chief driver licensing officials to determine if individuals applying for original, renewal, temporary, or duplicate licenses have had their driving privileges withdrawn in some other State.

(f) *Driver Status Response* means a response which indicates whether a driver currently holds a valid license.

(g) *For Cause* as used in § 1327.5(a) means that an adverse action taken by a State against an individual was based on any violation listed in Appendix A, an Abridged Listing of the American Association of Motor Vehicle Administration (AAMVA) Violations Exchange Code, which is used by the NDR for recording license denials and withdrawals.